

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:14CR91 AGF (DDN)
	)	
JODY GOLDSBERRY,	)	
	)	
Defendant.	)	

**GOVERNMENT’S MOTION IN LIMINE TO  
EXCLUDE IMPROPER HYPOTHETICAL QUESTION**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Cristian M. Stevens, Assistant United States Attorney for said District, and moves this Court in limine to exclude at trial an improper hypothetical question sometimes asked by defense counsel on cross-examination. In support of its motion, the Government states as follows:

**I. INTRODUCTION**

Defense counsel routinely asks police officers on cross examination an improper hypothetical question to the effect of: Assuming you lied about this incident, are you the sort of police officer who would come into court today and admit that you lied? Defense counsel should be prohibited from asking this question.

**II. ARGUMENT**

Defense counsel sometimes asks police officers on cross examination an improper hypothetical question to the effect of: Assuming you lied about this incident, are you the sort of police officer who would come into court today and admit that you lied? The Court should

prevent defense counsel from asking this question, because it assumes facts not in evidence, is an improper hypothetical, is argumentative, and is an improper compound question. This question is a cynical attempt to unfairly trap the police officer in the same sort of Catch-22 that arises from the prototypical improper question, “Have you stopped beating your wife?” For all of these reasons, defense counsel should be precluded from posing this sort of improper question.

### **III. CONCLUSION**

WHEREFORE, the Government respectfully requests that this Court grant its motion in limine to exclude defense counsel’s improper hypothetical question.

Respectfully submitted,

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s/ Cristian M. Stevens  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court’s electronic filing system this 10th day of April, 2015, to N. Scott Rosenblum, 120 S. Central Avenue, Suite 130, Clayton, Missouri 63105.

s/ Cristian M. Stevens  
ASSISTANT UNITED STATES ATTORNEY